

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on January 23, 2007 at 9:00 A.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Roy Brown (R)  
Sen. John Esp (R)  
Sen. Verdell Jackson (R)  
Sen. Lane L. Larson (D)  
Sen. Don Ryan (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 209, 1/15/2007; SB 191,  
1/15/2007; SB 204, 1/15/2007; SB  
214, 1/15/2007  
Executive Action: SB 42, SB 53, SB 54, SB 157

00:00:00 Chairwoman Cocchiarella

**HEARING ON SB 209**

**Opening Statement by Sponsor:**

00:00:38 **SEN. JEFF ESSMANN (R), SD 28**, opened the hearing on **SB 209**, Transfer registered process servers to Board of Private Security Patrol Officers.

**EXHIBIT (bus15a01)**

**Proponents:**

00:05:33 Mary Phippen, Montana Association Clerks of District Court

**EXHIBIT (bus15a02)**

00:07:02 Sheryl Wood, Associate Director, Montana Association of Counties (MACO)

00:07:28 Wayne Johnston, Board of Private Security

**EXHIBIT (bus15a03)**

00:08:07 Benjamin Hursh, Equity Insurance

00:09:49 Charles Brooks, Board of Yellowstone County Commissioners

00:10:22 Nancy Sweeney, Lewis and Clark County, Clerk of District Court

00:12:40 Robert Pancrast, Court Server

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:15:57 Sen. Balyeat to Sen. Essmann

00:19:18 Pat Murdo, LSD

**Closing by Sponsor:**

00:20:01 Sen. Essmann

**HEARING ON SB 191**

**Opening Statement by Sponsor:**

00:21:05 **SEN. JOHN ESP (R), SD 31**, opened the hearing on **SB 191**,  
Revise work comp exemption requirements for independent  
contractors.

**EXHIBIT**(bus15a04)

**Proponents:** None.

**Opponents:**

00:24:27 Bob Worthington, Montana Municipal Insurance Authority

00:26:34 Nancy Butler, Montana State Fund, MSF

00:27:39 Jason Miller, Montana State AFL-CIO

00:28:54 Riley Johnson, Montana Federation for Better Business

00:30:04 George Wood, Montana Self-Insurers Association

00:31:02 Cary Hegreberg, Montana Contractors Association

**Informational Testimony:**

00:32:17 Keith Messmer, Bureau Chief, Workers' Compensation  
Bureau, Department of Labor and Industry (DLI)

**Questions from Committee Members and Responses:**

00:34:29 Sen. Jackson to Sen. Esp

00:37:41 Sen. Balyeat to Nancy Butler, MSF

00:38:36 Sen. Balyeat to Keith Messmer, DLI

00:39:46 Sen. Cocchiarella to Keith Messmer, DLI

00:41:48 Sen. Cocchiarella to Dallas Cox, Workers' Compensation  
Reviewer, Department of Labor and Industry (DLI)

00:43:11 Sen. Balyeat to Dallas Cox, DLI

00:44:49 Sen. Cocchiarella to Dallas Cox, DLI

**Closing by Sponsor:**

00:45:21 Sen. Esp

**HEARING ON SB 204**

**Opening Statement by Sponsor:**

00:46:42 **SEN. DON RYAN (D), SD 10**, opened the hearing on **SB 204**,  
Prevent insurer from requiring repairs or estimates  
from certain business.

[EXHIBIT \(bus15a05\)](#)

[EXHIBIT \(bus15a06\)](#)

**Proponents:**

00:51:17 Donna Fastenau, Automobile Services Association

[EXHIBIT \(bus15a07\)](#)

[EXHIBIT \(bus15a08\)](#)

[EXHIBIT \(bus15a09\)](#)

00:56:31 Bruce Halcro, Self

[EXHIBIT \(bus15a10\)](#)

01:01:23 Larry Kibbee, Property Casualty Insurers Association of  
America

**Opponents:**

01:04:10 Greg Van Horssen, State Farm Insurance Company

01:10:25 Jacqueline Lenmark, American Insurance Association

01:14:04 Frank Cote, Farmers Union Mutual Company

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:15:26 Sen. Smith to Greg Van Horssen, State Farm Insurance  
Company

01:17:59 Sen. Brown to Jacqueline Lenmark, AIA

01:18:52 Sen. Balyeat to Greg Van Horssen, State Farm Insurance Company

01:19:37 Sen. Balyeat to Sen. Ryan

01:20:05 Sen. Tropila to Bruce Halcro

**Closing by Sponsor:**

01:26:38 Sen. Ryan

**HEARING ON SB 214**

**Opening Statement by Sponsor:**

01:27:11 **SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 214**, Independent contractor exemption for certain corporate officers.

**Proponents:**

01:31:15 Spook Stang, Executive Vice President, Montana Motor Carriers

01:32:58 Nancy Butler, Montana State Fund, MSF

01:33:26 Jacqueline Lenmark, American Insurance Association

**Opponents:** None.

**Informational Testimony:**

01:34:09 Keith Messmer, DLI

**Questions from Committee Members and Responses:**

01:35:19 Sen. Brown to Sen. Lewis

01:35:59 Sen. Cocchiarella to Keith Messmer, DLI

01:36:33 Pat Murdo, LSD

01:37:19 Sen. Balyeat to Sen. Lewis

01:38:41 Sen. Smith to Nancy Butler, MSF

**Closing by Sponsor:**

01:39:35 Sen. Lewis

**EXECUTIVE ACTION ON SB 42**

01:51:47 **Motion:** SEN. TROPILA moved that SB 42 DO PASS.

**Discussion:**

01:52:01 Sen. Brown

01:52:57 Sen. Esp

01:53:14 Pat Murdo, LSD

01:53:28 Sen. Balyeat

01:54:34 Sen. Cocchiarella to Sen. Balyeat

01:55:05 Sen. Cocchiarella

01:55:41 Sen. Balyeat to Sen. Cocchiarella

01:57:17 Sen. Smith

01:57:48 Pat Murdo, LSD

01:58:18 Sen. Brown to Pat Murdo, LSD

01:59:07 Sen. Tropila

01:59:21 **Motion/Vote:** SEN. SQUIRES moved SB 42. Motion carried  
unanimously by voice vote.

**EXECUTIVE ACTION ON SB 53**

01:59:37 **Motion:** SEN. BALYEAT moved that SB 53 DO PASS.

**Discussion:**

02:00:29 **Motion:** SEN. BALYEAT moved that AMENDMENT SB05301.APM  
BE ADOPTED.

**EXHIBIT**(bus15a11)

**Discussion:**

02:01:49 Sen. Cocchiarella

02:02:28 **Vote:** Motion that amendment SB05302.apm BE ADOPTED  
carried unanimously by voice vote.

02:02:44 **Motion/Vote:** SEN. SQUIRES moved that SB 53 DO PASS AS  
AMENDED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 54**

02:03:37 **Motion:** SEN. BALLYEAT moved that SB 54 DO PASS.

**Discussion:**

02:05:18 Sen. Squires to Sen. Cocchiarella

02:06:12 Pat Murdo, LSD

02:06:41 Sen. Balyeat

02:09:01 Sen. Cocchiarella

02:10:30 Sen. Brown

02:11:24 Sen. Cocchiarella

02:11:50 Sen. Squires

02:13:32 Sen. Tropila

02:13:40 Sen. Steinbeisser

02:13:53 **Motion/Vote:** SEN. LARSON moved that SB 54 DO PASS.  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 157**

02:14:22 **Motion:** SEN. RYAN moved that SB 157 DO PASS.

**Discussion:**

02:15:28 Sen. Cocchiarella

02:16:13 Sen. Balyeat

02:16:27 **Motion:** SEN. RYAN moved that AMENDMENT SB015701.APM BE  
ADOPTED.

**EXHIBIT** (bus15a12)

Discussion:

02:16:59 Christina Goe, Attorney, State Auditor's Office (SAO)

02:18:21 Vote: Motion that AMENDMENT BE ADOPTED carried unanimously by voice vote.

02:18:34 Motion: SEN. RYAN moved that AMENDMENT SB015702.APM BE ADOPTED.

EXHIBIT(bus15a13)

02:18:51 Christina Goe, Attorney, State Auditor's Office

02:19:50 Sen. Balyeat

02:20:20 Vote: Motion that AMENDMENT SB015703.APM BE ADOPTED carried unanimously by voice vote.

02:20:30 Motion: SEN. RYAN moved that AMENDMENT SB015704.APM BE ADOPTED.

EXHIBIT(bus15a14)

Discussion:

02:20:45 Christina Goe, Attorney, SAO

02:21:29 Sen. Balyeat

02:21:54 Vote: Motion that AMENDMENT SB015704.APM BE ADOPTED carried unanimously by voice vote.

Discussion:

02:22:00 Motion: SEN. RYAN moved that AMENDMENT SB015705.APM BE ADOPTED.

EXHIBIT(bus15a15)

Discussion:

02:22:06 Christine Goe, Attorney, SAO

02:22:44 Vote: Motion that AMENDMENT SB015705.APM BE ADOPTED carried unanimously by voice vote.



02:22:54 **Motion:** SEN. RYAN moved that SB 157 DO PASS AS AMENDED.

**Discussion:**

02:23:08 Sen. Smith

02:23:59 Christina Goe, Attorney, SAO

02:26:20 Sen. Squires to Jacqueline Lenmark, American Insurance Association (AIA)

02:27:51 Sen. Balyeat to Pat Murdo, LSD

02:28:23 Sen. Balyeat to Sen. Cocchiarella

02:28:42 Pat Murdo, LSD

02:29:22 Sen. Cocchiarella

02:29:43 Sen. Ryan to Christina Goe, SAO

02:31:37 **Vote:** Motion that SB 157 DO PASS AS AMENDED carried unanimously by voice vote.

**Discussion:**

02:32:42 Sen. Cocchiarella

02:33:02 Sen. Jackson

**ADJOURNMENT**

Adjournment: 11:40 A.M.

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SEN. VICKI COCCHIARELLA, Chairman

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CLAUDIA JOHNSON, Secretary

VC/cj

Additional Exhibits:

**EXHIBIT ([bus15aad.pdf](#))**